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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	MDL Dkt. No. 06-1791-VRW **STIPULATION AND [~~PROPOSED~~] ORDER RE MOTION TO DISMISS IN *CLAYTON v. AT&T COMMUNICATIONS OF THE SOUTHWEST, INC., ET AL.***
This Document Relates To: *Clayton v. AT&T Communications of the Southwest, Inc., et al.*, No. 07-1187.	[Civil L.R. 6-1(a); 7-12] Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

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RECITALS

A. The two Federal-State cases from Missouri, *Clayton v. AT&T Communications of the Southwest, Inc.*, No. 07-1187, and *United States v. Gaw*, No. 07-1242, both relate to the enforcement of subpoenas issued by Missouri Public Service Commissioners Robert Clayton and Steve Gaw. On March 30, 2007, this Court entered a scheduling order (MDL Dkt. 225) that placed the AT&T Defendants' Motion to Dismiss in *Clayton* ("Motion to Dismiss") on the same briefing and hearing schedule as the dispositive motions in *Gaw* and the other Federal-State cases, including *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; *United States v. Volz*, No. 07-1396; and *United States v. Adams*, No. 07-1323.

B. Both the hearing date and the briefing schedule in the Federal-State cases have since changed.

C. The hearing date for the Federal-State cases has been changed from June 14, 2007 to June 21, 2007.

D. On May 23, 2007, this Court granted (MDL Dkt. 286) a one-week extension for the United States' and State Officials' responses in the Federal-State cases.

E. The parties in *Clayton* agree that the briefing schedule and hearing in *Clayton* should parallel that of the Federal-State cases. Accordingly, they jointly offer the following stipulation for the Court's consideration.

STIPULATION

1. AT&T Defendants' reply in support of the Motion to Dismiss in *Clayton* shall be due on June 1, 2007.

2. The Motion to Dismiss the *Clayton* case is set for hearing on June 21, 2007, the same day set for hearing the dispositive motions in the other Federal-State cases.

Dated: May 24, 2007.

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By */s/ Bruce A. Ericson*
Bruce A. Ericson

Attorneys for Defendants

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, BRUCE A. ERICSON, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from the other signatory listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 24, 2007, at San Francisco, California.

/s/ Bruce A. Ericson
Bruce A. Ericson

Dated: May 24, 2007.

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By /s/ *Peggy A. Whipple per G.O. 45*
Peggy A. Whipple

Attorneys for the Missouri Public Service Commission

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~~[PROPOSED]~~ ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court orders the following:

Defendants in *Clayton* v. *AT&T Communications of the Southwest, Inc.*, No. 07-1187, may file a reply in support of their Motion to Dismiss the complaint by June 1, 2007. The Motion shall be heard on June 21, 2007, the same day set for hearing the dispositive motions in the other Federal-State cases.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May __, 2007.

UNITED STATES DISTRICT COURT
IT IS SO ORDERED
Judge Vaughn R Walker
6/7/2007
NORTHERN DISTRICT OF CALIFORNIA

Hon.
United